

In the United States District Court
Northern District of Oklahoma

United States of
America

v.

Lindsey K. Springer, et al

No 08-CV-278-TCK

FILED

SEP 27 2010

Phil Lombardi, Clerk
U.S. DISTRICT COURT

Motion to Strike and Restraint

Lindsey K. Springer moves this Court for an order to Strike "United States Response to Mortgages' Motion to Clarify Interest in Property Sold," Doc 200. There is no Office of U.S. Attorney pursuant to Title 28, USC § 541 since at least June 28, 2009, and Scott Woodward is not, as reported by the Tulsa World on August 22, 2010, the "U.S. Attorney." A motion to restrain is included herein.

Short Background

Since June 28, 2010, no person has been approved by the Senate to create an office of the U.S. Attorney in the Northern Judicial District pursuant to Title 28 USC § 541.

From June 28, 2010 Scott Woodward's name appeared as "acting" U.S. Attorney.

Though "acting" has been removed from his name the Tulsa World reported on August 22, 2010 that he remained "acting."

The United States pleadings and filings recently refer to Mr. Woodward as "U.S. Attorney."

Argument

This Court's Jurisdiction outside the

District of Columbia is derived solely from the authority of Congress. Turner v. Bank of America, 4 Dall 8, 10; U.S. v. Hudson & Goodwin 7 Cranch, 32; See also: Sheldon v. Sill, 8 How 441, 448; Stevenson v. Fain 195 U.S. 165.

The Federal Courts are under an independent obligation to examine their own jurisdiction, and Standing is perhaps the most important of [the jurisdictional] doctrines. "FW/PBS Inc. v. City of Dallas, 493 U.S. 215, 230 (1990).

Plaintiff is the United States of America. The President is being represented by the "United States Attorney Scott Woodward" by James Strong of the Tax Division of the U.S. Department of Justice. Doc 200, pg 3.

Title 4, USC § 72 prohibits any office established at the seat of government from being exercised outside the District of Columbia, "except as otherwise expressly provided by law." See Hughes v. U.S. 953 F.2d 531, 542 (9th Cir. 1992).

There is no statute that creates the Office of U.S. Attorney. Section 541 requires the appointment by the President and confirmed by the Senate. Title 28 USC § 546 provides for temporary vacancies. None are applicable here. The appointment of a person creates the office. There is currently no "office" for the Tax Division to work through because there is no U.S. Attorney appointed.

Mr. Strong however says that he is working through Mr. Woodward. Doc. 200, pg 3.

Mr. Strong is not authorized to represent the Office of President in the Northern Judicial District of Oklahoma, See Title 28 USC § 116(a)

There may be an address and chairs or desks, and people sitting in them, but that does not establish the office of U.S. Attorney pursuant to Title 28, USC § 541 within Title 28, USC § 116(a). Northern Judicial District of Oklahoma

Mr Strong's Response, Doc. #200, is unauthorized by any law of the United States.

Without a U.S. Attorney in the Northern Judicial District of Oklahoma, appointed under Title 28 USC § 541, no one can represent the United States of America in the Northern Judicial District Court house. Mr. Strong should be required to prove otherwise.

Mr Strong Should be restrained from filing.

Conclusion

Therefore, Lindsey K. Spring request this Court Strike Mr Strong's Response, Doc. 200, because Scott Woodward is not the U.S. Attorney for the Northern Judicial District of Oklahoma, pursuant to Title 28, USC § 541, and that no such office exists that can surpass the prohibition of Title 4, USC § 72, and to restrain anyone from filing in this case for the United States of America.

Respectfully Submitted

Lindsey K. Spring
#H02580-063

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